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Application No. 10/601,436  
Amendment Transmittal

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/601,436  
Applicant(s): Meyer, Lee G., Meyer, Alla  
Filed: 06/23/2003  
TC/A.U.: 2872  
Examiner: Robinson, Mark A.

Confirmation No.: 7147

Docket No.: 50089.0001  
Customer No: **36178**

Mail Stop Non-Fee Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**AMENDMENT TRANSMITTAL**

1. Transmitted herewith is
- Amendment Pursuant to 37 C.F.R. 1.116 for this application (12 Pages)
  - Post Card

**STATUS**

**CERTIFICATION UNDER 37 C.F.R. 1.8(a) and 1.10**

I hereby certify that, on the date shown below, this correspondence is being:

**MAILING**

- ☐ deposited with the United States Postal Service in an envelope addressed to the Mail Stop Non-Fee Amendment, Commissioner for Patents, Alexandria, P.O. Box 1450, VA 22313-1450.
- |   |  |
|---|--|
| <input type="checkbox"/> <b>37 C.F.R. 1.8(a)</b><br>with sufficient postage as<br>first class mail. | <input checked="" type="checkbox"/> <b>37 C.F.R. 1.10*</b><br>as "Express Mail Post Office to Addressee,"<br>Mailing Label No. EQ039421640US |
|---|--|

**TRANSMISSION**

- ☐ transmitted by facsimile to the Patent and Trademark Office.

Date: October 11, 2005

Signature

*Alla Meyer*

Alla Meyer

(type or print name of person certifying)

2. Applicant is  
☒ a small entity. A statement:  
☐ is attached.  
☒ was already filed.  
☐ other than a small entity.

### EXTENSION OF TERM

*NOTE: "Extension of Time in Patent Cases (Supplement Amendments) -- If a timely and complete response has been filed after a Non-Final Office Action, an extension of time is not required to permit filing and/or entry of an additional amendment after expiration of the shortened statutory period.*

*If a timely response has been filed after a Final Office Action, an extension of time is required to permit filing and/or entry of a Notice of Appeal or filing and/or entry of an additional amendment after expiration of the shortened statutory period unless the timely-filed response placed the application in condition for allowance. Of course, if a Notice of Appeal has been filed within the shortened statutory period, the period has ceased to run." Notice of December 10, 1985 (1061 O.G. 34-35).*

*NOTE: See 37 C.F.R. Section 1.645 for extensions of time in interference proceedings, and 37 C.F.R. Section 1.550(c) for extensions of time in reexamination proceedings.*

3. The proceedings herein are for a patent application and the provisions of 37 C.F.R. Section 1.136 apply.

*(complete (a) or (b), as applicable)*

- (a) ☐ Applicant petitions for an extension of time under 37 C.F.R. Section 1.136 (fees: 37 C.F.R. Section 1.17(a)(1)-(4)) for the total number of months checked below:

	Extension (months)	Fee for other than small entity	Fee for small entity
<input type="checkbox"/>	one month	\$ 120.00	\$ 60.00
<input type="checkbox"/>	two months	\$ 450.00	\$ 225.00
<input type="checkbox"/>	three months	\$ 1020.00	\$ 510.00
<input type="checkbox"/>	four months	\$ 1,590.00	\$ 795.00

Fee: \$ 0.00

If an additional extension of time is required, please consider this a petition therefor.

*(check and complete the next item, if applicable)*

- ☐ An extension for \_\_\_\_\_ months has already been secured. The fee paid therefor of \$ \_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$ 0.00

OR

- (b) ☒ Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

### FEE FOR CLAIMS

4. The fee for claims (37 C.F.R. Section 1.16(b)-(d)) has been calculated as shown below:

(Col. 1)		(Col. 2)		(Col. 3) SMALL ENTITY			OTHER THAN A SMALL ENTITY	
Claims Remaining After Amendment		Highest No. Previously Paid For		Present Extra	Rate	Addit. Fee	OR	Addit. Fee
Total	22	Minus	22	= 0	x \$25 =	\$0.00		x \$50 = \$0.00
Indep.	5	Minus	5	=0	x \$100 =	\$0.00		x \$200 = \$0.00
[ ] First Presentation of Multiple Dependent Claim					+ \$180 =	\$		+ \$360 = \$
Total Addit. Fee						\$0.00	OR	Total Addit. Fee \$0.00

- \* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3,  
\*\* If the "Highest No. Previously Paid For" IN THIS SPACE is less than 20, enter "20".  
\*\*\* If the "Highest No. Previously Paid For" IN THIS SPACE is less than 3, enter "3".  
The "Highest No. Previously Paid For" (Total or Indep.) is the highest number found in the appropriate box in Col. 1 of a prior amendment or the number of claims originally filed.

**WARNING:** "After final rejection or action (Section 1.113) amendments may be made canceling claims or complying with any requirement of form which has been made." 37 C.F.R. Section 1.116(a) (emphasis added).

(complete (c) or (d), as applicable)

- (c) ☒ No additional fee for claims is required.

OR

- (d) [ ] Total additional fee for claims required \$ \_\_\_\_\_.

### FEE PAYMENT

5. [ ] Attached is a check in the sum of \$ \_\_\_\_\_.  
[ ] Charge Account No. \_\_\_\_\_ the sum of \$ 0.00.  
A duplicate of this transmittal is attached.

## FEE DEFICIENCY

*NOTE: If there is a fee deficiency and there is no authorization to charge an account, additional fees are necessary to cover the additional time consumed in making up the original deficiency. If the maximum, six-month period has expired before the deficiency is noted and corrected, the application is held abandoned. In those instances where authorization to charge is included, processing delays are encountered in returning the papers to the PTO Finance Branch in order to apply these charges prior to action on the cases. Authorization to charge the deposit account for any fee deficiency should be checked. See the Notice of April 7, 1986, (1065 O.G. 31-33).*

6. ☒ If any additional extension and/or fee is required, charge Account No. 502398.

## AND/OR

- ☒ If any additional fee for claims is required, charge Account No. 502398.

Date: 10/11/05

  
SIGNATURE OF PRACTITIONER

Lee G. Meyer

(type or print name of practitioner)

Reg. No. 27,216

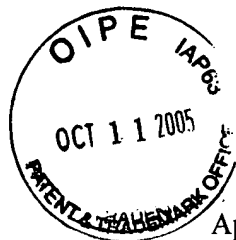
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**USPTO CUSTOMER NO. 36178**



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**AFTER FINAL AMENDMENT PURSUANT TO 37 CFR § 1.116**

Sir:

This amendment is submitted in response to the final Office Action dated August 9, 2005 which set a shortened statutory period of three months, making any response due by November 9, 2005. This reply is filed within two months of the mailing date of the final action. Therefore, any advisory action not mailed until after the end of the three month shortened statutory period, (November 9, 2005) will extend the shortened statutory period to expire on the date such advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. Since October 9, 2005 is a Sunday, and Monday, October 10<sup>th</sup> is a Federal Holiday, the two month response date will run, under the rules, until Tuesday the 11<sup>th</sup> of October.

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- ☐ **37 C.F.R. 1.8(a)**  
with sufficient postage as  
first class mail.

- ☒ **37 C.F.R. 1.10\***  
as "Express Mail Post Office to Addressee,"  
Mailing Label No. EQ039421640US

**TRANSMISSION**

- ☐ transmitted by facsimile to the Patent and Trademark Office :

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Signature

Alla Meyer

(type or print name of person certifying)

Applicants' Attorney spoke with Examiner Mark Robinson in regard to the instant case on October 5, 2005 (Interview Summary attached). Mr. Robinson's courtesy in granting Applicants' Attorney this interview is appreciated. During the interview an agreement was reached with regard, generally, to claim language which overcomes the rejection of record.

This amendment is necessary because of the new arguments contained in the Final Action rejecting claims 1-22 all the claims presented for examination; and is believed by Applicant's to put the instant case in condition for allowance.

Entry of this Amendment and reconsideration of the rejections in light of the amendments to the claims and the arguments contained in this Amendment are respectfully requested. Early and favorable action is further requested.

**Amendments to the Specification:** NONE.

**Amendments to the Claims** are reflected in the listing of claims, which begins on page 4 of this paper.

**Amendments to the Drawings** - NONE

**Amendments to the Abstract** - NONE.

**Remarks/Arguments** begin on page 10 of this paper.